

Application **GRANTED** in part. The motion to dismiss at Dkt. 59 is **DENIED** as moot without prejudice to renewal. This action is **DISMISSED** without costs and without prejudice to restoring the action to the Court's calendar, provided the application to restore the action is made within thirty (30) days of this Order. Any application to reopen filed after thirty (30) days from the date of this Order may be denied solely on that basis.

Dated: December 30, 2024  
via ECF  
New York, New York

The Hon. Lorna G. Schofield  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

December 13, 2024

**Re: US ex rel. Kurzman v Microsoft, 1:19cv4270-LGS (SDNY)**

Your Honor,

I write today with consent of Defendant Microsoft to inform the Court that the parties have reached an agreement in principle to resolve Relator's claims in this matter, and are in the process of preparing a written agreement.

As Your Honor is aware, the United States must approve the voluntary dismissal of a relator's claims in a *qui tam* action such as this. The United States informed us today that they would be willing to approve an agreement as proposed.

In light of these developments, the parties respectfully request that the Court hold in abeyance any decision on the pending Motion to Dismiss (ECF 59) while the parties work to finalize their agreement.

Respectfully,



Patrick S. Almonrode  
**BROWN, LLC**

*Attorneys for Relator John Kurzman*

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*Attorneys for Defendant Microsoft*